

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pasi Ojala
Title: METHOD AND A DEVICE FOR
SOURCE CODING
Appl. No.: 10/574,990
International Filing Date: 10/4/2004
371(c) Date: 1/8/2007
Examiner: Daniel Demelash Abebe
Art Unit: 2626
Confirmation Number: 6883

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR
PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have calculated PTA for the captioned patent application and have determined that the patent is entitled to 1095 days of Patent Term Adjustment, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702, 1.703 and 1.704:

(a) Total PTO delay: 1095 days

(b) Total Applicant delay: 0 days

Final PTA Determination under 37 CFR §1.703(f): 1095 days

In accordance with 1.705(b)(2)(ii), the relevant dates as specified in §§1.703(a) through (c) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled are clearly represented in the attached PTA Calculation.

The relevant dates where the applicant is not in agreement with the PTO's determination are discussed in more detail below.

Applicant believes that this discrepancy occurred as a result of the PTO's failure to include 349 days of additional PTA accumulated in applicant's favor based on the provisions of 37 C.F.R. §§ 1.702(b)(1) and 1.703(b)(1), wherein PTA begins to accumulate in applicant's favor on the day after the commencement of three years from the filing date.

The Section of the Notice of Allowance titled "Determination of Patent Term Adjustment under 35 U.S.C. §154(b)" makes the statement that:

"If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 746 days".

This statement is incorrect because it does not take into account accrued patent term adjustment under 37 C.F.R. §1.703(b) due to having an overall pendency of greater than three years, and the overall Patent Term Adjustment would be 1095 days, as shown in the attached calculation.

37 C.F.R. §1.705(d) states that "Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues." As the above-identified error was made at allowance, the applicant is filing this request for reconsideration under an abundance of caution, in the knowledge that the PTO does not include patent term adjustment resulting from 1.703(b) in its PTA calculations at allowance.

There were no circumstances during the prosecution of the application constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704

Fees in the amount of \$200.00 set forth in 37 C.F.R. § 1.18(e) to cover the fee for this request are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.705, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or

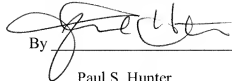
incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

However, because this PTA error is due to a Patent Office error in interpreting and applying the PTA statute, a refund of the fee is respectfully requested.

Respectfully submitted,

Date November 23, 2010

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By  _____

Paul S. Hunter
Attorney for Applicant
Registration No. 44,787

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Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 088245-0809

Application Number: 10/574990

Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Priority Date	10/07/2003	-913		
Edit Delete	International Filing Date	10/04/2004	-550		
	PCT National Stage Commencement Date	04/07/2006	0		
Edit Delete	National Stage Entry (All 371(c) & (f) Requirements Met)	01/08/2007	276		
	14 month From Application date	03/08/2008	701		
	3 Year Period Starts	04/07/2009	1,096		
Edit Delete	Non-Final Office Action	03/24/2010	1,447	(746)	
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	06/18/2010	1,533		
Edit Delete	Notice of Allowance	08/30/2010	1,606		
	Projected Patent Grant Date	03/08/2011	1,796	(700) 1095	
			Totals:	1,095	0
			PTA:	1,095	

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